

REMARKS

This Amendment is responsive to the non-final Office Action¹ of September 5, 2008. Claims 1-7 and 9-17 were presented for examination and were rejected. Independent claims 1, 9, 11, 16 and 17, are amended. Dependent claims 6 and 10 are amended. New dependent claim 18 is added. Claims 1-7 and 9-18 are pending. Claims 1, 9, 11, 16 and 17 are in independent form.

No new matter is added by way of this amendment. Support for the claim amendments and new claim 18 can be found in the application, as filed. For example, for all independent claims and claim 18 see at least paragraph [0034] and Fig. 4 including act 412; and, for claim 16 additionally see at least paragraph [0043] and Fig. 7 including reference window 712.

Claims 11 and 13-15 are rejected under 35 U.S.C. § 102(e) as being anticipated by Burnstein et al. (U.S. 2002/0032735 A1; hereinafter “Burnstein”). Claims 1-7, 9, 12 and 16 are rejected under 35 U.S.C. § 103(a) as being un-patentable over Burnstein in view of Munsil et al., U.S. Patent 5,761,650 (hereinafter, “Munsil”). Claims 10 and 17 are rejected under 35 U.S.C. § 103(a) as being un-patentable over Burnstein in view of Munsil and further in view of Carter et al., (U.S. 2005/0068983 A1; hereinafter “Carter”). These rejections are respectfully traversed because the references, taken individually or in any reasonable combination, do not disclose or suggest all recited claim elements of each pending claim for at least the following reasons.

Consider, for example, claim 1 which recites, *inter alia*:

¹ The Office Action may contain a number of statements characterizing the cited references and/or the claims which Applicant may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicant does not automatically subscribe to, or acquiesce in, any such statement.

receiving an inquiry about a community of interest (COI) from one customer in said portion; determining existence of said COI with which other customers in said portion are associated; sending a generated status message to said other customers, if said COI exists, as confirmation that said one customer has joined said COI;

(claim 1, emphasis added) It is clear that claim 1 now recites additional steps or acts relating to establishing a community of interest (COI). For example, an individual may already belong to an existing COI based on his/her previous responses to questions posed in a questionnaire. The existing COI is based on a commonality of interest that exists amongst a group of people who have all previously responded similarly to questions posed in their respective questionnaires. However, an individual who belongs to an established COI group may, for example, develop a new interest which is not included as a topic of interest within that group. A different COI group with that new topic of interest may or may not exist. Accordingly, an inquiry can be made by that individual about joining a COI group for his/her new topic of interest which was not previously disclosed by that individual in response to questions posed in his/her questionnaire.

The claim recites inter alia: “receiving an inquiry about a community of interest (COI) from one customer in said portion; determining existence of said COI with which other customers in said portion are associated; sending a generated status message to said other customers, if said COI exists, as confirmation that said one customer has joined said COI” and these limitations are not disclosed or suggested in Burnstein, Munsil or Carter. For example, there is no discussion in any of these references of generating a status message for anything, much less for the purpose of confirming that a customer has joined a COI. Accordingly, these references, taken individually or in any reasonable

combination do not teach or suggest these limitations, and Applicant does not acquiesce that these references are properly combinable in the first place. Therefore, the 35 U.S.C § 103(a) rejection of claim 1 should be withdrawn and the claim allowed.

Independent claim 9 recites, *inter alia*: “wherein said receiving and allowing means includes means for receiving an inquiry about a community of interest (COI) from one customer of said subset, means for determining existence of said COI with other customers of said subset belonging to said COI, and means for sending a generated status message to said other customers as confirmation that said one customer has joined said COI.” These limitations are not disclosed or suggested in Burnstein, Munsil or Carter. For example, there is no discussion in any of these references of sending a generated status message to other customers as confirmation that one customer has joined a COI. Accordingly, these references, taken individually or in any reasonable combination do not teach or suggest these limitations and, as noted, Applicant does not acquiesce that these references are properly combinable in the first place. Therefore, the 35 U.S.C § 103(a) rejection of claim 9 should be withdrawn and the claim allowed.

Independent claim 11 recites a method, *inter alia*: “wherein said at least one customer of said subset inquires about a community of interest (COI), said COI is determined to exist with certain customers of said subset belonging to said COI, and a status message is generated and sent to said certain customers as confirmation that said at least one inquiring customer has joined said COI.” These limitations are not disclosed or suggested in Burnstein, Munsil or Carter. For example, there is no discussion in any of these references of sending a generated “status message” to “said certain customers as confirmation that said at least one inquiring customer has joined said COI” as recited in

claim 11. Accordingly, these references, taken individually or in any reasonable combination do not teach or suggest these limitations and, as noted above, Applicant does not acquiesce that these references are properly combinable in the first place. Accordingly, these references, taken individually or in any reasonable combination do not teach or suggest these limitations. Therefore, the 35 U.S.C § 102(e) rejection of claim 11 should be withdrawn and the claim allowed.

Independent claim 16 recites a data display wherein a selection field in the display recites, *inter alia*: a new group button for (a) creating a new group of persons including said customer and a further subset of said subset of persons, all of whom are interested in an un-displayed topic of interest and (b) allowing a generated status message to be sent to said customer as confirmation that said customer has successfully created said un-displayed topic of interest and has joined said new group.” These limitations are not disclosed or suggested in Burnstein, Munsil or Carter.

In particular, there is no discussion in any of these references of “creating a new group of persons including said customer and a further subset of said subset of persons, all of whom are interested in an un-displayed topic of interest” as recited in claim 16. In addition, there is no discussion in any of these references of “allowing a generated status message to be sent to said customer as confirmation that said customer has successfully created said un-displayed topic of interest and has joined said new group” as recited in claim 16. Accordingly, these references, taken individually or in any reasonable combination do not teach or suggest these limitations and, as noted above, Applicant does not acquiesce that these references are properly combinable in the first place. Therefore, the 35 U.S.C § 103(a) rejection of claim 16 should be withdrawn and the claim allowed.

Independent claim 17 recites a method including *inter alia*: “permitting each in said subset to inquire about a respective community of interest (COI); determining existence or non-existence of said COI; sending, if said COI exists, a generated status message to others of said subset who belong to said COI as confirmation that said inquiring customer has joined said COI; and sending, if said COI does not exist, a different generated status message to said inquiring customer signifying that said inquiring customer has successfully joined a new COI.” These limitations are not disclosed or suggested in Burnstein, Munsil or Carter. For example, there is no discussion in any of these references of: “sending, if said COI exists, a generated status message to others of said subset who belong to said COI as confirmation that said inquiring customer has joined said COI; and sending, if said COI does not exist, a different generated status message to said inquiring customer signifying that said inquiring customer has successfully joined a new COI” as recited in claim 17. Accordingly, these references, taken individually or in any reasonable combination do not teach or suggest these limitations and, as noted above, Applicant does not acquiesce that these references are properly combinable in the first place. Therefore, the 35 U.S.C § 103(a) rejection of claim 17 should be withdrawn and the claim allowed.

Dependent claims 6 and 10 have been amended to improve form. All pending dependent claims are likewise allowable, at least for reasons based on their respective dependencies from allowable base claims.

Although Applicant has amended the claims herein for purposes of substantially advancing the prosecution of this application, Applicant does not acquiesce in the

rejection or in the reasoning in the Office Action. In particular, Applicant respectfully disagrees with the Examiner's position as expressed, for example, on page 3 of the Office Action. Therein, when referring to Burnstein, Figs. 6-10, it says "providing search ability and receiving search string information is *equivalent* to sending a questionnaire and receiving responses - in both cases data is receive [sic] to correlate users." (emphasis added) But, the search string information and the questionnaire response information are not equivalent.

For example, Applicant submits that people may not search all subjects in which they have interest. A search string is focused on a specific topic. Therefore a large segment of subject matter of interest to an individual shall probably remain undisclosed and not inquired about, in accordance with Burnstein, when using that individual's search string as the basis for inquiring about his/her interest in joining a community of interest (COI). By contrast, when presenting a questionnaire, in accordance with Applicant's disclosure, a wide-ranging inquiry about subject matter of interest can be presented to that individual who is not restricted in his/her response. Thus, subjects in a wide spectrum can emerge responsive to a questionnaire, and offer a basis for chatting with others on virtually all subjects of current interest to that individual. On that basis alone, the search string information and the questionnaire *are not equivalent* mechanisms for setting up communities of interest for conversation or interaction.

Indeed, the design of the questionnaire is under the control of the service provider. From a psychological viewpoint, it can be scientifically designed to reach areas that may be difficult for some people to confront: addictions, phobias, etc. These topics may never be searched by those who are challenged in this regard. Thus, any benefit of

interacting with others in a COI would not be available to a searcher using the Burnstein technique. But, quite differently, in Applicant's questionnaire, such probing questions can be properly presented, where the respondent then has an opportunity to derive benefits in a COI. Again, the search string information and the questionnaire are not equivalent mechanisms for setting up communities of interest for conversation or interaction.

For another example, an individual may be conducting a search related to a proprietary or trade-secret matter, where some of the terms in the search string are related to that matter while the remaining terms are not. In this situation, even if the non-proprietary terminology might have been of interest for subsequent chatting in a COI, Burnstein's search string technique would result in the searcher declining an invitation to join a COI to discuss search string subjects because of the trade-secret prohibition on disclosure. But, if responding to a questionnaire, that person could voluntarily offer to discuss in a COI that which was forced to be ignored in the search string. Again, the search string information and the questionnaire are not equivalent mechanisms for setting up communities of interest for conversation or interaction.

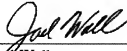
Accordingly, Applicant maintains that the limitations directed to the recited questionnaire adequately distinguished the claimed subject matter from the applied references, even prior to the current amendments. Therefore, Applicant reserves its rights to pursue additional claim coverage in continuing applications, consistent with Applicant's expressed position herein.

CONCLUSION

All rejections in the Office Action have been addressed. In view of the foregoing amendment and remarks, reconsideration and allowance of the pending claims are respectfully requested.²

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-2347 and please credit any excess fees to such deposit account.

Respectfully submitted,

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² Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.